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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|------------------------|---------------------|------------------|
| 09/695,518   | 10/24/2000  | Christian Volf Olgaard | 11602.00.0005       | 3116             |
| 23418 7590 03/21/2008<br>VEDDER PRICE KAUFMAN & KAMMHOLZ<br>222 N. LASALLE STREET<br>CHICAGO, IL 60601 |             |                        |                     |                  |
| EXAMINER<br>MANTWANG, JOSEPH R   |             |                        |                     |                  |
| ART UNIT   |             | PAPER NUMBER           |                     |                  |
| 2144   |             |                        |                     |                  |
| MAIL DATE  |             | DELIVERY MODE          |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/695,518

**Applicant(s)**

OLGAARD ET AL.

**Examiner**

JOSEPH R. MANIWANG

**Art Unit**

2144

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8-14, 17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14, 17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

2. Claims 1-6, 8-14, and 17, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (U.S. Pat. No. 6,633,759).
3. Regarding claims 1, 9, and 17, Kobayashi disclosed a method comprising submitting information about the interface client along a first wireless communication path to the wireless device in proximity of the interface client (see column 9, lines 40-45; column 13, lines 7-17), wherein the information about the interface client includes at least information about display capabilities of the interface client (see column 14, lines 12-15); determining that the interface client is usable to display the content based at least on the information about the display capabilities of the interface client (see column 14, lines 15-25); receiving the content along a second wireless communication path from a remote source and conveying the content via the wireless device to the interface client along the first wireless communication path (see column 5, lines 3-14; column 13, line 62 through column 14, line 6; column 2, lines 37-39; column 4, lines 30-31); and displaying the content on a display of the interface client (see column 2, lines 39-40; column 4, line 32; column 13, lines 7-17; column 14, lines 9-11). Kobayashi disclosed a system comprising an interface client adapted for submitting information about the

interface client (see column 4, line 21) along a first wireless communication path (see column 4, lines 24-25) to a wireless device (see column 4, line 23) in proximity of the interface client, the interface client having a displaying adapted for displaying the content received by the interface client along the first wireless communication path (see column 4, lines 30-32), wherein the information about the interface client includes at least information about display capabilities of the interface client (see column 14, lines 12-15); and a remote source, adapted to determine that the interface client is usable to display the content based at least on the information about the display capabilities of the interface client (see column 14, lines 15-25); the wireless device adapted for receiving the content along a second wireless communication path from the remote source (see column 4, lines 39-47) and conveying the content to the interface client along the first wireless communication path (see column 4, lines 30-32; column 13, lines 7-17); wherein one of the interface client, the wireless device and the remote source is adapted to format the content based on the submitted information from the interface client (see column 10, line 65 through column 11, line 3).

4. Regarding claims 2 and 10, Kobayashi disclosed receiving a signal from the wireless device when the wireless device is in proximity of the interface client prior to submitting the information about the interface client to the wireless device (see column 9, lines 34-36; column 12, lines 8-10, 54-60).
5. Regarding claims 3 and 11, Kobayashi disclosed the signal from the wireless device transmitted from the wireless device in response to a prior signal transmitted

from the interface client (see column 2, lines 35-37; column 9, lines 27-28; column 12, lines 1-2, 52-53).

6. Regarding claims 4 and 12, Kobayashi disclosed the signal from the wireless device including information identifying a user of the wireless device (see column 9, lines 34-36).

7. Regarding claims 5 and 13, Kobayashi disclosed the information about the interface client including information about the capabilities of the interface client (see column 9, lines 40-45) and information about an input device of the interface client (see column 12, lines 25-27; column 13, lines 7-17).

8. Regarding claims 6, 14, and 19, Kobayashi disclosed the remote source as a server (see column 4, lines 44-47).

9. Regarding claims 8 and 20, Kobayashi disclosed the content formatted based on the submitted information about the interface client (see column 12, lines 22-32).

### ***Response to Arguments***

10. Applicant's arguments filed 07/16/07 have been fully considered but they are not persuasive.

11. Regarding claims 1-6, 8-14, 17, 19, and 20 rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (U.S. Pat. No. 6,633,759), Applicant asserts that Kobayashi does not disclose (1) "wherein the information about the interface client includes at least information about the display capabilities of the interface client", and (2) "determining that the interface client is usable to display the content based at least

on the information about the display capabilities of the interface client". However, Examiner submits that Kobayashi reads on these concepts as claimed.

12. To the first point, Examiner submits that Kobayashi disclosed the provision for an interface client to submit information to a wireless device about display capabilities of the interface client, as a PC could receive information about a cellular phone regarding its electric field intensity or battery (see column 14, lines 12-15). While Applicant argues this does not teach "information about display capabilities", Examiner submits that the above disclosed provision reads on the claim language presented. Claim 1 does not specifically define the term "display capabilities", allowing for such an interpretation. Clearly, as an ordinary artisan would recognize, the disclosed field intensity/battery state relate to the device's capability to display.

13. To the second point, Examiner submits that Kobayashi disclosed the provision for using such information to determine if the interface client is usable to display the content, as the PC could then decide "whether the electric field intensity in the cellular phone...is sufficiently strong to receive data and the charging state of the battery is sufficiently high" (see column 14, lines 15-25). This disclosure of Kobayashi describing receiving information at one device regarding attributes of another and determining the sufficiency of such attributes for usability of the device reads on the limitations argued by Applicant and broadly recited in amended independent claims 1, 9, and 17.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JOSEPH R. MANIWANG** whose telephone number is (571)272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2144

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM

/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2144